

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Commerce

Thursday, February 25, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
P Gant  
P Merchant  
P Nesselhuf  
P Turbak Berry  
P Nelson, Vice-Chair  
P Olson (Russell), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Russell Olson.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 23, 2010

Moved by: Adelstein  
Second by: Nelson  
Action: Prevailed by voice vote.

HB 1180: provide for the issuance of an on-sale license and malt beverage license for the county fairgrounds and to authorize counties to issue an additional on-sale license.

Presented by: Representative Kristin Conzet

MOTION: DO PASS HB 1180

Moved by: Adelstein  
Second by: Merchant  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

Excused: Gant

MOTION: PLACE HB 1180 ON CONSENT CALENDAR

Moved by: Adelstein

Second by: Merchant

Action: Prevailed by voice vote.

HB 1001: allow municipalities and counties to issue certain special alcoholic beverage licenses and to repeal certain special alcoholic beverage licenses.

Presented by: Senator Craig Tieszen

Proponents: Representative Charles Turbiville

Matt Fonder, Department of Revenue & Regulation

Tim Dougherty, Licensed Beverage Dealers of SD

Yvonne Taylor, SD Municipal League

Shawn Lyons, SD Retailers Association

MOTION: AMEND HB 1001

1001ja

On page 2 of the House Commerce Committee engrossed bill, delete lines 18 to 20, inclusive.

Moved by: Turbak Berry

Second by: Nesselhuf

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1001 AS AMENDED

Moved by: Nelson

Second by: Merchant

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

Excused: Gant

HB 1002: revise certain provisions regarding the days and hours that alcoholic beverages may be sold on a licensed premise and who may sell, serve, or dispense alcoholic beverages on a licensed premise and to revise certain provisions concerning the power of municipalities and counties to regulate the sale and use of alcoholic beverages.

Presented by: Representative Charles Turbiville  
Proponents: Shawn Lyons, SD Retailers Association  
Representative Eldon Nygaard (Handout: 1)

Bob Riter, SD Beer Wholesalers answered some questions of the committee.

MOTION: AMEND HB 1002

1002ja

On page 3, line 9, of the House engrossed bill, delete "less than twenty-one years old" and insert "eighteen years old or older".

On page 3, delete lines 10 and 11, and insert "beverages.".

Moved by: Nelson  
Second by: Adelstein  
Action: Prevailed by voice vote.

MOTION: AMEND HB 1002

1002jb

On page 1, line 12, of the House engrossed bill, after "sale" insert ", service, and consumption".

Moved by: Turbak Berry  
Second by: Merchant  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1002 AS AMENDED

Moved by: Adelstein  
Second by: Nelson  
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

Voting No: Gant

HB 1118: revise certain provisions regarding fees for health services provided to South Dakota injured workers treated by out-of-state medical providers.

Presented by: Senator Russell Olson

Proponents: Myron Rau, SD Trucking Association

Dick Tieszen, SD Associated School Boards

Mike Shaw, Property and Casualty Insurance

Deb Mortenson, Associated General Contractors of SD - HHU Chapter

Shawn Lyons, SD Retailers Association

James Marsh, Department of Labor

Opponents: Fern Johnson, self, Rapid City (Handout: 2)

The gavel was turned over to Vice-Chair, Senator Tom Nelson

MOTION: AMEND HB 1118

1118ja

On page 2, line 2, of the printed bill, after "." insert "However, the employer or the employer's insurer shall promptly reimburse and hold harmless the employee for any damages arising from the collection of, or attempt to collect, fees in excess of the amount allowed by this section.".

Moved by: Turbak Berry

Second by: Merchant

Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Adelstein, Merchant, Nesselhuf, Turbak Berry

Voting No: Gant, Nelson, Olson (Russell)

MOTION: DO PASS HB 1118 AS AMENDED

Moved by: Turbak Berry

Second by: Nesselhuf

Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

Voting No: Gant

The gavel was turned back to Chair, Senator Russell Olson.

HB 1206: provide that incontestability provisions in certain life insurance policies do not apply in cases of fraud.

Presented by: Representative Todd Schlekeway  
Proponents: Dick Gregerson, American Council of Life Insurance  
Randy Moses, Division of Insurance

MOTION: DO PASS HB 1206

Moved by: Nesselhuf  
Second by: Adelstein  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

MOTION: PLACE HB 1206 ON CONSENT CALENDAR

Moved by: Nesselhuf  
Second by: Turbak Berry  
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Adelstein  
Second by: Merchant  
Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

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Russell Olson, Chair